

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR422
)	
vs.)	ORDER
)	
JOHN PALMA,)	
)	
Defendant.)	

This matter is before the Court on the motion of defendant John Palma (Palma) for severance (Filing No. 42). The motion does not comply with NECrimR 12.3 (b), in that the motion:

- (☒) Is not supported by a brief;
- (☐) Is not supported by an Index of Evidence as required by NECrimR 12.3(b)(2) or a statement of what evidence will be offered at an evidentiary hearing requested for the motion;
- (☐) Is not accompanied by a statement verifying that counsel for the moving party has conferred with opposing counsel in person or by telephone in a good-faith effort to resolve by agreement the issues raised by the motion and that the parties have been unable to reach such an agreement;
- (☐) Which requests an evidentiary hearing, does not contain a statement of the estimated time needed for the hearing, whether any interpreters will be needed, or whether any codefendant should be present and/or participate in the hearing.

Accordingly, the motion for severance (Filing No. 42) is :

- (☒) Held in abeyance pending compliance with NECrimR 12.3(b)(2). Absent compliance **on or before August 11, 2005**, the motion will be deemed withdrawn and termed on the docket.
- (☐) Denied.

IT IS SO ORDERED.

ADMONITION

Pursuant to NECrimR 57.2 any appeal of this Order shall be filed with the Clerk of the Court within ten (10) days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

DATED this 4th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge